

HOUSE STANDING COMMITTEE ON NATURAL RESOURCES, GREAT LAKES, LAND USE, AND ENVIRONMENT

Thursday, June 29, 2006

9:00 a.m.

Room 519 House Office Building

Representative Palsrok, Chair, called the meeting to order.

MEMBERS PRESENT: Representatives Palsrok, Pavlov, Meyer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan.

Representative Gillard moved to excuse absent members.

Representative LaJoy supported the motion.

There being no objection, the motion prevailed by unanimous consent.

MEMBERS ABSENT/EXCUSED: Representatives Palmer and Bennett.

Representative Gillard moved to approve the minutes of the June 22, 2006 meeting.

Representative Pearce supported the motion.

There being no objection, the motion prevailed by unanimous consent.

Representative Gillard, Minority Vice-Chair, assumed the Chair.

The Minority Vice-Chair laid HB 6162, HB 6164 and HB 6165 before the committee.

HB 6162 Pastor Environmental protection; permits; wetlands permit application; provide for meeting between applicant and department of environmental quality to review.

HB 6164 Pastor Environmental protection; permits; wetlands; allow local units to waive right to comment on state permits.

HB 6165 Pastor Environmental protection; permits; wetlands permits; allow transfer under certain circumstances.

Representative Pastor testified in support of the bills.

Carol Linteau and Todd Losee, representing the Michigan Department of Environmental Quality, testified in support of the bills with amendments.

The following people submitted cards in support of HB 6162, HB 6164 and HB 6165, but did not wish to speak:

Lee Schwartz, representing the Michigan Home Builders,
James Clift, representing the Michigan Environmental Council,
Doug Roberts, representing the Michigan Chamber of Commerce,
Brad Ward, representing the Michigan Association of Realtors.

Representative Pearce moved to adopt substitute (H-1) to HB 6162.

Representative Byrnes supported the motion.

The motion prevailed by a vote of 10-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, LaJoy, Ward, Elsenheimer, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan,

Nays: None,

Pass: None.

Representative Kathleen Law moved to adopt substitute (H-1) to HB 6164.

Representative LaJoy supported the motion.

The motion prevailed by a vote of 10-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, LaJoy, Ward, Elsenheimer, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan,

Nays: None,

Pass: None.

Representative Elsenheimer moved to report out HB 6164 as substitute (H-1) with recommendation.

Representative Byrnes supported the motion.

The motion prevailed by a vote of 10-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, LaJoy, Ward, Elsenheimer, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan,

Nays: None,

Pass: None.

HB 6164 (H-1) reported out with recommendation.

Representative Miller moved to adopt substitute (H-1) to HB 6165.

Representative LaJoy supported the motion.

The motion prevailed by a vote of 10-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, LaJoy, Ward, Elsenheimer, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan,

Nays: None,

Pass: None.

The committee went at ease at 9:20 a.m.

The committee reconvened at 9:25 a.m.

Representative Gillard offered the following amendment to HB 6162 (H-1):

1. Amend page 2, line 10, after "**DEPARTMENT**" by inserting "**MAY AGREE WITH THE PERSON TO RESCHEDULE THE MEETING OR**".

Representative LaJoy moved to adopt the amendment.

Representative Miller supported the motion.

The motion prevailed by a vote of 9-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, LaJoy, Ward, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan,

Nays: None,

Pass: None.

Representative Miller moved to report out HB 6162 as substitute (H-2) with recommendation.

Representative Pearce supported the motion.

The motion prevailed by a vote of 9-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, LaJoy, Ward, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan,

Nays: None,

Pass: None.

HB 6162 (H-2) reported out with recommendation.

Representative Gillard offered the following amendment to HB 6165 (H-1):

1. Amend page 1, line 1, after “**MAKE**” by striking out the balance of the line through “**OR**” on line 2 and inserting “**MINOR REVISIONS IN A PERMIT OR**”.

Representative Miller moved to adopt the amendment.

Representative LaJoy supported the motion.

The motion prevailed by a vote of 9-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, LaJoy, Ward, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan,

Nays: None,

Pass: None.

Representative Miller moved to report out HB 6165 as substitute (H-2) with recommendation.

Representative LaJoy supported the motion.

The motion prevailed by a vote of 9-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, LaJoy, Ward, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan,

Nays: None,

Pass: None.

HB 6165 (H-2) reported out with recommendation.

Representative Palsrok resumed the Chair.

The Chair laid SB 1107 before the committee.

SB 1107 Birkholz

Land use; land division; county road commissions' method of approving final plat; revise.

Brad Ward, Rob Campau and David Pierson, representing the Michigan Association of Realtors, testified in support of SB 1107.

Representative Palsrok offered the following amendments to SB 1107:

1. Amend page 2, line 9, by striking out the balance of the bill and inserting:

“THE BOARD MAY REGULATE CUL-DE-SACS AND MAY APPROVE OR DENY CUL-DE-SACS ON AN INDIVIDUAL BASIS, BUT SHALL NOT ADOPT A POLICY OR RULE PROHIBITING CUL-DE-SACS.”

2. Amend page 2, following line 9, by inserting:

~~(2) (f) Completion of all~~ **IF ALL IMPROVEMENTS** required improvements relative to streets, alleys, and roads, or **UNDER SUBSECTION (1) ARE NOT MADE BEFORE THE FINAL PLAT IS SUBMITTED TO THE BOARD FOR APPROVAL, THE BOARD NONETHELESS SHALL PROMPTLY APPROVE THE FINAL PLAT IF THE FINAL PLAT OTHERWISE MEETS THEREQUIREMENTS OF THIS ACT AND IF THE PROPRIETOR POSTS** a deposit by the proprietor with the board in the form of cash, a certified check, or irrevocable letter of credit, whichever the proprietor selects, or a surety bond acceptable to the board, in an amount ~~THAT THE BOARD DETERMINES TO BE~~ sufficient to ensure completion **PERFORMANCE OF THE PROPRIETOR'S OBLIGATION TO MAKE THE REQUIRED IMPROVEMENTS** within the time specified. **REGARDLESS OF THE DEPOSIT AMOUNT, THE ACTUAL COST TO COMPLETE ALL OF THE IMPROVEMENTS REMAINS THE RESPONSIBILITY OF THE PROPRIETOR OR ITS SURETY AGENT.**

~~— (2) As a condition of approval of the final plat, the board shall require a deposit to be made in the same manner as provided in subsection (1)(f), to ensure performance of the obligations of the proprietor to make required improvements.~~

(3) THE DEPOSIT REQUIRED UNDER SUBSECTION (2) SHALL BE IN THE FORM OF CASH, A CERTIFIED CHECK WHICH THE BOARD SHALL PROMPTLY CONVERT TO CASH, OR AN IRREVOCABLE LETTER OF CREDIT, AS SELECTED BY THE PROPRIETOR, OR A SURETY BOND AS PREQUALIFIED BY THE STATE TRANSPORTATION DEPARTMENT AND ACCEPTABLE TO THE BOARD. ANY SURETY BOND SHALL BE UNDERWRITTEN BY A SURETY ACCEPTABLE TO THE BOARD.

~~(4) (3)~~ The board shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.

~~(5) (4)~~ The board shall reject a final plat isolating **OTHER** lands **OF THE PROPRIETOR WITHIN OR ADJOINING THE PLAT** from existing public streets or roads

; unless the proprietor provides suitable access by easement or **SUITABLE ACCESS** dedicated to public use.

(6) ~~(5)~~ As used in this section, "county road commission" means the board of county road commissioners elected or appointed pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive for ministerial functions and the county commission provided for in section 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative functions.”.

Representative Pearce moved to adopt the amendments.

Representative LaJoy supported the motion.

The motion prevailed by a vote of 10-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, LaJoy, Ward, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan,

Nays: None,

Pass: None.

Representative LaJoy moved to report out SB 1107 as substitute (H-2) with recommendation.

Representative Gillard supported the motion.

The motion prevailed by a vote of 12-0-0.

FAVORABLE ROLL CALL:

Yeas: Representatives Palsrok, Meyer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan,

Nays: None,

Pass: None.

SB 1107 (H-2) reported out with recommendation.

With no further business to come before the committee, the Chair adjourned the meeting, the time being 10:08 a.m.

Representative Palsrok, Chair

Ben Cook
Committee Clerk
June 29, 2006

Date Approved and Signed

1 hour 8 minutes

Proposed